

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALVIN JULIAN TURNER,

Defendant.

Case No. 2:12-cr-20617

HON. STEPHEN J. MURPHY, III

**OPINION IN SUPPORT OF THE COURT'S
REFUSAL TO REDUCE DEFENDANT'S SENTENCE**

In September 2017, the Court denied Defendant's Motion to Reduce Sentence. ECF 53. Defendant appealed, and the Sixth Circuit issued a limited remand for the Court to "provide an explanation for its reasons for refusing to reduce [Defendant's] sentence." ECF 56, PgID 330. The parties do not appear to dispute that the Court may reduce the sentence; the issue is whether the Court should exercise its discretion to do so. ECF 57, PgID 332; ECF 58, PgID 342. The Court refused to exercise its discretion in Defendant's favor for several reasons.

First, Defendant has an extensive history of criminality. Defendant's disrespect for the law continually escalated since 1994. ECF 20, PgID 52. Additionally, Defendant committed his current crime while on supervised release for an almost identical crime. *Id.* Consequently, Defendant's argument that he has now "changed" is unpersuasive. Defendant distributed a large quantity of cocaine, served ten years in prison, and then made the calculated decision to again distribute a large quantity of cocaine. Because Defendant did not respond to 120 months' imprisonment in the past, a longer sentence

will provide an appropriate punishment and perhaps deter him from distributing cocaine in the future.

Second, Defendant has shown violent tendencies while incarcerated. Specifically, Defendant was involved in at least one incident of possessing a hazardous tool, assaulting an individual, and destroying evidence. ECF 48-2, PgID 298–99 (under seal). Defendant obviously struggles with impulse control, discipline, and respect for authority. The Court finds that Defendant's current sentence is more likely to help him address those issues while he continues to progress in the classroom.

For these reasons, the Court denied Defendant's Motion to Reduce Sentence.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: April 9, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 9, 2018, by electronic and/or ordinary mail.

s/ David Parker
Case Manager